

REMARKS

The application has been amended and is believed to be in condition for allowance.

An interview is requested.

Claims 10, 13, and 25 have been cancelled and that subject matter incorporated into claim 9.

Claims 29, 30, and part of claim 34 have been cancelled and that subject matter incorporated into claim 28.

The claims have been further amended to recite the housing receiving plural batteries on each of a plurality of horizontal levels, wherein, two horizontally opposed wall elements (18, 20) together forming a floor support for the batteries stored therebetween, (see e.g., Figure 1). Additionally, the claims recite that the upper arm of the U section of each wall element abuts the lower arm of the U section of a vertically adjacent wall element and provides a resulting horizontal level of the floor supports having a thickness defined by the abutting upper arm and lower arm.

Further, the claims recite two end plates (28, 30) secured to respective ends of the two side walls, at least one of the two end plates being attached removably to allow for the batteries to be horizontally placed in or removed from each horizontal level, the two side walls being connected to each other only by said end plates. Also recited are that each end plate is provided with vertically spaced apart fixing lugs (32)

secured to the wall elements (18, 20), each end plate including a different fixing lug for each wall element (18, 20) such that each of the two end plates is secured, via a different one of the fixing lugs, to one end of every wall element (18, 20). Again, see Figure 1. No new matter is entered by way of these amendments.

Note further that claim 9 now recites the narrower "consisting essentially of" in the preamble.

Pending Substantive Rejections

Claims 9-16 and 23-32 were rejected as anticipated by WHITAKER 2,172,266.

Claims 9-11, 13-15, and 23-26 were rejected as anticipated by EGURO JP 11-025947.

Claims 27-32 were rejected as obvious over EGURO in view of STONE 5,304,434.

Claims 33 and 34 were rejected as obvious over EGURO and STONE and in view of SCHULER 6,189,635.

Claims 9-11, 16, 23 and 24 were rejected as obvious over TOYOSAWA 5,056,677.

Claims 9-16, 23, 24 and 26 were rejected as obvious over SCHAEFER 2,916,161 in view of either one of BECKLEY 5,441,123 and IDO 6,326,103.

TOYOSAWA

The Official Action has not rejected that subject matter of claims 13, 25, 29, 30, and 34 in view of TOYOSAWA.

Therefore, the obviousness rejection based on TOYOSAWA should be withdrawn as subject matter from these claims are now included in the respective independent claims.

WHITAKER

WHITAKER does not anticipate. WHITAKER does not disclose at least a box for a set of electric storage batteries. Applicant points out that the preamble, as well as the other recitations concerning batteries, should be given patentable weight.

WHITAKER does not disclose two side walls extending parallel and defining between themselves a housing for receiving plural batteries on a plurality of horizontal levels, the two side walls being connected to each other only by said end plates. WHITAKER does not disclose end plates that are the sole means to connecting the side walls.

Although WHITAKER may disclose stacked elements, applicants do not see that WHITAKER discloses the side walls (12, 14) consisting of an assembly of stacked modules (16), each module as *recited*. The "modules" of WHITAKER are not seen as forming plural horizontal battery floor supports where the batteries would be inserted/removed by removing one of the end plates to allow the insertion/removal of the batteries.

Applicants do not see that WHITAKER discloses the upper arm of the U section of each wall element abuts the lower arm of the U section of a vertically adjacent wall element and provides

a resulting horizontal level of the floor supports having a thickness defined by the abutting upper arm and lower arm.

WHITAKER does not disclose that each floor support is sized and constructed to support batteries that are electric self-propelled vehicle batteries having gas recombination sealed elements and sized for serving as a source of electric motive power for a vehicle. Applicants believe that this recitation must be given patentable weight, having specifically made of record that this recitation is intended to be more than mere intended use.

Applicants do not see that WHITAKER discloses two end plates secured to respective ends of the two side walls, at least one of the two end plates being attached removably to allow for the batteries to be horizontally placed in or removed from each horizontal level.

Applicants do not see that WHITAKER discloses that each end plate is provided with fixing lugs (32) secured to the wall elements (18, 20), each end plate including a different fixing lug for each wall element such that each of the two end plates is secured, via a different one of the fixing lugs, to one end of every wall element.

Therefore, this rejection should be withdrawn.

EGURO

EGURO, although disclosing a battery case, does not include plural horizontal levels supporting batteries. See that

only a single level is provided and that the batteries are supported side-by-side at that single level. Thus, EGURO does not disclose two side walls extending parallel and defining between themselves a housing for receiving plural batteries on a plurality of horizontal levels, the two side walls being connected to each other only by said end plates. EGURO does not disclose parallel side walls but rather discloses parallel, spaced apart frame members 4b which are connected to vertical members fitting walls 1a, 1b, 1c, 1d. The frame members 4b are secured to end elements 4b. The frame members 4b are secured to the fitting walls 1a by way of locking protrusions 5. The fitting walls secure batteries therebetween.

EGURO does not disclose vertically disclosed stacked elements, i.e., an assembly of vertically stacked modules (16), each module as **recited**. The "modules" of EGURO are not seen as forming plural horizontal battery floor supports where the batteries would be inserted/removed by removing one of the end plates to allow the insertion/removal of the batteries.

Applicants do not see that EGURO discloses the upper arm of the U section of each wall element abuts the lower arm of the U section of a vertically adjacent wall element and provides a resulting horizontal level of the floor supports having a thickness defined by the abutting upper arm and lower arm.

Applicants do not see that EGURO discloses two end plates secured to respective ends of the two side walls, at least

one of the two end plates being attached removably to allow for the batteries to be horizontally placed in or removed from each horizontal level.

Applicants do not see that EGURO discloses that each end plate is provided with vertically spaced apart fixing lugs secured to the wall elements (18, 20), each end plate including a different fixing lug for each wall element such that each of the two end plates is secured, via a different one of the fixing lugs, to one end of every wall element.

Therefore, this rejection should be withdrawn.

STONE would not cure the shortcomings of EGURO. The EGURO design does not allow for one end element to be removed so that the batteries can be inserted/removed. EGURO does not have the recited fixing lugs.

Therefore the obviousness rejection of EGURO and STONE should be withdrawn.

SCHAEFER

SCHAEFER, even modified by BECKLEY or IDO, would not render obvious the claimed invention.

SCHAEFER, as modified, has implicitly been acknowledged not to teach or suggest the features of claims 25, 29, 30, and 34. Applicants point out that at least these features would not be found in the offered combination based on SCHAEFER.

Withdrawal of the rejections based on SCHAEFER is therefore solicited.

Reconsideration and allowance of the examined claims are respectfully requested.

Applicants thus believe that the present application is in condition for allowance and an early indication of the same is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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